

RECORDS OFFICE

EXHIBIT 6
PAGE 1 OF 2

July 16, 2012

Kirk Tostige
16601 East Course Drive
Tampa, FL 33624-6706

RE: FOIA Case No. 2012-FPRO-00541

Dear Mr. Tostige:

This responds to your Freedom of Information Act (FOIA) requests, dated February 29, 2012 and for access to Postal Service records. Please accept my apologies for the delayed response. Specifically, you have requested:

- **copies of all e-mail messages with the name of Kirk Tostige, Tostige, or ET Tostige in the body of the message from the following sender or recipient: conrad.d.johnson@usps.gov, steven.r.owensby@usps.gov, doug.diaz@usps.gov, michael.e.kilcomons@usps.com during the time period of January 1, 2011 through June 29, 2011.**

After a thorough research, our IT department located 556 pages of responsive documents. We are releasing 243 pages in its entirety and we consider some of the information on 313 pages to be exempt from disclosure pursuant to FOIA Exemption 3, 5 and 6. D9 are non-responsive information to the request.

Generally, FOIA requires government agencies to disclose reasonably described "records" within their possession unless the records fall within one or more of the several exemptions. 5 U.S.C. § 552(a)(3), (b)(1)-(9). Records responsive to your request were redacted under Exemption 3 in conjunction with 39 U.S.C § 410(c)(2).

Exemption 3 provides that agencies may withhold records that are exempted from disclosure by another statute that "establishes particular criteria for withholding or refers to particular types of matters to be withheld." 5 U.S.C. § 552(b)(3). We consider that 39 U.S.C. § 410(c)(2) operates independently as an exempting statute within the scope of Exemption 3.

Section 410(c)(2) of Title 39, U.S. Code, provides that "information of a commercial nature, including trade secrets, whether or not obtained from a person outside the Postal Service, which under good business practice would not be publicly disclosed" is exempt from the disclosure requirements of the FOIA. This section was enacted as part of the Postal Reorganization Act, 39 U.S.C. § 101 et seq., (1970), which established the Postal Service as an independent establishment of the executive branch and generally directed it to conduct its operations in accordance with sound business principles.

To determine what constitutes "good business practice" under § 410(c)(2), courts consider the customs of the commercial world, management techniques, and business law, as well as the standards of practice adhered to by large corporations. The Postal Service may withhold

EXHIBIT 6 PAGE 2 OF 2

information of a commercial nature if large businesses would do the same. It would not be good business practice to release the requested information, and private businesses would not release information of this nature to the public. Disclosure of the reports would reveal proprietary business information of the Postal Service. Thus, the reports are properly withheld from disclosure under Exemption 3 and §410(c)(2).

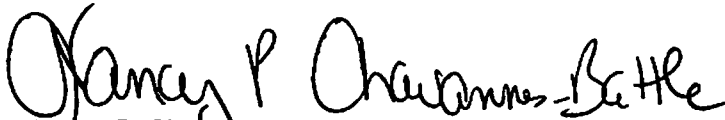
Some of the records are exempt from disclosure pursuant to Exemption 5. The purpose of this exemption is to encourage open, frank discussion on matters of policy between agency personnel; to protect against premature disclosure of proposed policies before they are finally adopted and to protect against public confusion that might result from disclosure of reasons and rationales that were not in fact ultimately the grounds for an agency's action. These documents contain opinions, analysis, advice, and recommendations to be used in the decision making process. Other information withheld under Exemption 5 are documents and other memoranda prepared by agency attorneys that contain confidential communications encompassing opinions given by an attorney, and communications between attorneys that reflect client-supplied information.

We are also withholding records pursuant to FOIA Exemption 6, which permits withholding documents where release of personnel and similar files would constitute a clearly unwarranted invasion of personal privacy. Any records which contain information concerning particular individuals, may qualify for the exemption's protection. Therefore, records that relate to signatures of individuals or personal phone numbers are "files" within the meaning of the exemption.

In determining whether to release records that may be protected by Exemption 6, the agency must balance the privacy interests of the individuals involved against the public interest, if any, that would be served by disclosure. We do not consider that there is a public interest in the disclosure of the requested information sufficient to outweigh the privacy interests of the individuals involved. For the purposes of FOIA Exemption 6, the only public interest to be weighed is the extent to which disclosure would serve the "core purpose" of the FOIA, which is to contribute significantly to public understanding of the operations or activities of the government, or, in other words, to shed light on the conduct of government agencies.

If you construe this response to be a denial of your request, you may appeal by writing to the General Counsel, U. S. Postal Service, 475 L'Enfant Plaza, SW, Room 6004, Washington DC 20260-1100, within 30 days of the date of this letter. The letter of appeal should include statements concerning this response, the reasons why it is believed to be erroneous, and the relief sought, along with copies of the original request letter, this letter, and any other related correspondence.

Sincerely,



Nancy P. Chavannes-Battle
Consumer Research Analyst